

HOUSE BILL No. 1384

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-38.2; IC 3-10-1-7.2; IC 3-11-8.

Synopsis: Voter identification and voter list maintenance. Requires a county voter registration office to conduct an annual program to remove the names of ineligible voters from the voter registration list. Provides that the cost of implementing the program shall be paid from the county general fund without appropriation. Requires a voter to present a picture identification before the voter is permitted to vote in an election unless the voter executes an affidavit indicating the voter is indigent and unable to obtain a picture identification or has a religious objection to being photographed. Provides that a voter who is otherwise unable or refuses to provide a picture identification may vote by provisional ballot.

Effective: July 1, 2005.

Murphy

January 13, 2005, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1384

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-38.2-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As required under 42
3 U.S.C. 1973gg-6(a)(4), **after December 31, 2005**, each county voter
4 registration office shall **each year** conduct a general program that
5 makes a reasonable effort to remove the names of ineligible voters from
6 the official lists of eligible voters due to **any of the following**:

- 7 (1) A change of residence of the voter.
8 (2) **The death of the voter.**
9 (3) **Multiple registrations of the voter.**
10 (4) **Any other circumstance that makes a voter ineligible.**
11 SECTION 2. IC 3-7-38.2-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A voter list
13 maintenance program conducted under this chapter or before January
14 1, 2006, IC 3-7-38.1 must: ~~be~~
15 (1) **be** uniform, nondiscriminatory, and in compliance with the
16 Voting Rights Act of 1965 (42 U.S.C. 1973);
17 (2) not result in the removal of the name of a person from the

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official list of votes solely due to the person's failure to vote; and
 (3) ~~be~~ completed not later than ninety (90) days before a primary,
 general, or municipal election.

(b) A county voter registration office may conduct a voter list
 maintenance program that complies with subsection (a). In conducting
 a voter list maintenance program, the county voter registration office
 shall mail a notice described in subsection ~~(d)~~ (c) to each registered
 voter at the residence address

~~(1)~~ listed in the voter's registration record. and

~~(2)~~ determined by the county voter registration office not to be the
 voter's current residence address.

~~(c)~~ A county voter registration office may use information only from
 the following sources to make the determination under subsection
~~(b)(2)~~:

~~(1)~~ The United States Postal Service National Change of Address
 Service.

~~(2)~~ A court regarding jury duty notices.

~~(3)~~ The return of a mailing sent by the county voter registration
 office to all voters in the county.

~~(4)~~ The bureau of motor vehicles concerning the surrender of a
 voter's Indiana license for the operation of a motor vehicle to
 another jurisdiction.

~~(d)~~ (c) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by
 a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date by which the card must be returned or the
 voter's registration will become inactive until the information
 is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence
 address.

~~(e)~~ (d) If a voter returns the card described in subsection ~~(d)(2)~~
 (c)(2) and provides a current residence address that establishes that the
 voter resides:

(1) in the county, the county voter registration office shall update
 the voter's registration record; or

(2) outside the county, the county voter registration office shall
 cancel the voter's registration.

~~(f)~~ (e) If a voter does not return the card described in subsection
~~(d)(2)~~ (c)(2) by the date specified in subsection ~~(d)(2)(B)~~; (c)(2)(B), the
 county voter registration office shall indicate in the voter's registration

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record that the voter's registration is inactive.

~~(g)~~ **(f)** A voter's registration that becomes inactive under subsection ~~(f)~~ **(e)** remains in inactive status from the date described in subsection ~~(d)(2)(B)~~ **(c)(2)(B)** until the ~~earlier~~ **earliest** of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection ~~(e)~~ **(d)** after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(3) The day the voter votes in an election held in the county before the second general election after the voter's registration is designated as inactive.

~~(h)~~ **(g)** Subject to subsection **(h)**, after the date described in subsection ~~(g)(2)~~, **(f)(2)**, the county voter registration office shall remove the voter's registration from the voter registration records.

(h) The county voter registration office shall remove the designation of a voter as inactive if the voter votes in an election held in the county before the second general election after the voter's registration is designated as inactive.

SECTION 3. IC 3-7-38.2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. The cost of implementing this chapter shall be paid from the county general fund without appropriation.**

SECTION 4. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.2. (a) Before a voter proceeds to vote in a primary election, the poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide a current and valid photo identification issued by the government of the United States, the state of Indiana, or an Indiana political subdivision. Except as provided in subsection (b), the voter must produce the identification before being permitted to vote. If the voter is unable or declines to produce the identification, the precinct election board shall provide a provisional ballot to the voter under IC 3-11.7 after the poll clerk, assistant poll clerk, or precinct election board member executes a challenge affidavit in accordance with IC 3-11.7.**

(b) A voter is not required to produce identification under subsection (a) if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that either of the following applies to the voter:

(1) The voter is indigent and unable to obtain identification

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without the payment of a fee.

(2) The voter has a religious objection to being photographed.

SECTION 5. IC 3-11-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide a current and valid photo identification issued by the government of the United States, the state of Indiana, or an Indiana political subdivision. Except as provided in subsection (k), the voter must produce the identification before being permitted to vote. If the voter is unable or declines to produce the identification, the precinct election board shall provide a provisional ballot to the voter under IC 3-11.7 after the poll clerk, assistant poll clerk, or precinct election board member executes a challenge affidavit in accordance with IC 3-11.7.

~~(c) This subsection applies after December 31, 2003.~~ (d) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present a piece of identification described in subsection ~~(d)~~ (e) to the poll clerk.

~~(d) (e) This subsection applies after December 31, 2003.~~ As required by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who

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has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification. or
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(e)~~ **(f)** ~~This subsection applies after December 31, 2003.~~ If a voter presents a document under subsection ~~(d)~~ **(e)**, the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

~~(f)~~ **(g)** ~~This subsection applies after December 31, 2003.~~ If a voter required to present documentation under subsection ~~(d)~~ **(e)** is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

~~(g)~~ **(h)** ~~This subsection applies after December 31, 2003.~~ The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

~~(h)~~ **(i)** This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(i)~~ **(j)** If, in a precinct governed by subsection ~~(h)~~ **(i)**:

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

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(k) A voter is not required to produce identification under subsection (c) if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that either of the following applies to the voter:

(1) The voter is indigent and unable to obtain identification without the payment of a fee.

(2) The voter has a religious objection to being photographed.

~~(j)~~ **(l)** This section expires January 1, 2006.

SECTION 6. IC 3-11-8-25.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section applies after December 31, 2005.

(b) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection ~~(f)~~; **(h)**, the voter's current residence address.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide a current and valid photo identification issued by the government of the United States, the state of Indiana, or an Indiana political subdivision. Except as provided in subsection (e), the voter must produce the identification before being permitted to vote. If the voter is unable or declines to produce the identification, the precinct election board shall provide a provisional ballot to the voter under IC 3-11.7 after the poll clerk, assistant poll clerk, or precinct election board member executes a challenge affidavit in accordance with IC 3-11.7.

(e) A voter is not required to produce identification under subsection (d) if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for

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perjury that either of the following applies to the voter:

(1) The voter is indigent and unable to obtain identification without the payment of a fee.

(2) The voter has a religious objection to being photographed.

(d) (f) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(e) (g) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(f) (h) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

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